IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36058 of 2008
SOGARATH YADAV @ SWARATH YADAV & ORS
Versus
THE STATE OF BIHAR

For the petitioners – Mr. Ajay Kr. Thakur, Adv.
Mr. Ravi Ranjan, Adv.
For the State – Mr. Nirbhay Kr. Singh, A.P.P.

---

2. 27/8/2008 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners are facing prosecution under Sections 406, 420, 379, 411 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the house of the petitioner No. 1 is situated by the side of the road and in front of which the truck was parked. Petitioner No. 2 is co-villager, petitioner No. 3 is the truck driver and petitioner No. 4 is the son of brother-in-law of the petitioner No. 1, namely, Sogarath Yadav @ Swarath Yadav.

It is stated that in fact, it has not been mentioned in the seizure list that when the truck was seized, on counting, lesser number of bags were found than it was actually being carried. It is further submitted that though allegation is that the truck was carrying 200 bags of rice of F.C.I., but it is not stated in F.I.R. that the alleged seized 20 bags of rice, contain seal or symbol of F.C.I. It is stated that ingredients of Sections 406, 420 or 379 of I.P.C. are not made out. He further submits that the petitioners are in custody since 2.7.2008.

Learned counsel for the State submits that there is

WEB COPY
NOT OFFICIAL

alleged theft of about twenty bags of rice which were found in the house of petitioner No. 1. However, he admits that it is not stated in F.I.R. that from the truck, number of bags of rice found were less than the number which were actually loaded as per the documents.

In view of the aforementioned facts and circumstances of the case and having regard to the rival submissions, petitioners namely, Sogarath Yadav @ Swarath Yadav, Sushil Das, Surendra Yadav and Santosh Yadav are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani, in connection with Pandaul (Sakari) P.S. Case No. 196 of 2008.

WEB COPY NOT OFFICIAL

S.Ali **(Dr. Ravi Ranjan, J.)**